

existing Constitution as part of the existing law, and it is the intention of this Convention, as I understand it, not to preserve the existing Constitution as part of the existing law.

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: It probably is not obvious we do not intend to preserve the existing Constitution. However, the Mother Hubbard clause is broader than the existing statutory law because it says "all existing writs, actions, suits, proceedings, civil and criminal liabilities, prosecution, judgments, sentences, orders, decrees, appeals cause of action, contracts, demands, property claims and rights."

That is a lot broader than simply statutory law. You can have claims, action, rights and so forth arising under the Constitution. They would be continued in effect, obviously, except for this last clause, which says "shall continue unaffected except as modified in accordance with the provisions of this Constitution."

One of the provisions of this constitution is that the Constitution of 1867 as amended shall cease to be effective, which would essentially mean those rights would then cease to be effective if they were bottomed on anything that was in the 1867 Constitution.

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: Will Delegate Grant yield to a question?

DELEGATE JAMES (presiding): Will Delegate Grant yield?

DELEGATE GRANT: Yes.

DELEGATE JAMES (presiding): Delegate Clagett.

DELEGATE CLAGETT: Would you not accomplish your purpose by permitting the sentence in line 6 to read "otherwise specifically provided or in the schedule of transitional provisions attached to this Constitution," that is, simply inserting the word "or" between "provided" and "in"?

DELEGATE GRANT: That would do it. It is just to clear up this hiatus that is in there. I would certainly be agreeable to that amendment if it would be agreeable to the Committee on Style.

DELEGATE JAMES (presiding): Delegate Boyer.

DELEGATE CLAGETT: In line 6, between the words "provided" and "in" insert the word "or"; so that phrase would read: "except as otherwise specifically provided or in the schedule of transitional provisions attached to this Constitution."

DELEGATE JAMES (presiding): In other words, you are inserting the word "or"?

DELEGATE CLAGETT: Yes, sir.

DELEGATE JAMES (presiding): Your amendment would have to be withdrawn, and we would have to substitute the verbal amendment. You would have to withdraw your original amendment and offer as a substitute amendment the word "or" on line 6 between the words "specifically" and "provided".

DELEGATE GRANT: I would be glad to do so. That accomplishes the same thing.

DELEGATE CLAGETT: It would be after the word "provided".

DELEGATE JAMES (presiding): I understand, yes.

DELEGATE CLAGETT: After the word "provided", and before the word "in".

DELEGATE JAMES (presiding): In order to clarify this, Amendment No. 3, offered by Delegate Grant, will be modified to show in section 10.04, line 6, after the word "provided" insert the word "or".

Is there any objection to this modification of the amendment?

Delegate Grant?

DELEGATE GRANT: I suggest we get a comment from the Committee on Style.

DELEGATE JAMES (presiding): Delegate Penniman.

DELEGATE PENNIMAN: I find no excuse for either of these things. It is perfectly clear that in 10.01 we are going to preserve all the things listed in 10.01. In 10.04 it merely says, as it came to us from the Committee of the Whole and as we sent it back, that the Constitution of 1867 as amended shall cease to be effective, except for the transitional provisions, and this is exactly what it is intended to say. It has no effect upon 10.01 whatsoever. I see no point in either of the proposals.

DELEGATE JAMES (presiding): Delegate Grant.

DELEGATE GRANT: I go back to the same thing of where 10.01 ends by saying "except as modified by this constitution."